

# PERMITTING

## Who needs to apply for a permit?

Anyone who is planning work in waters of the United States (lakes, rivers, streams, wetlands, ponds, etc.) should contact the U.S. Army Corps of Engineers in order to determine Federal jurisdiction. To ask permitting questions, or to apply for a permit, contact the Chicago District Regulatory Branch at (312) 353-6400.

The permit process varies depending on the project's complexity, location, and effect on the environment. The first step an applicant must take is to submit a permit application to the appropriate Corps of Engineers Regulatory Office. Once received, the application will be reviewed with regard to the following permits:

## Nationwide or Regional Permits

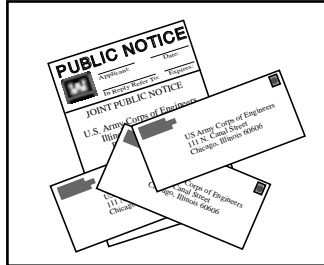
Some categories of activities have been authorized by nationwide or regional permits, in which case a permit decision can usually be reached in less than 30 days. These permits are authorized for specific activities which will have minimal environmental effects, and contain conditions and limitations to ensure that impacts are minimal. Some of these categories can be found within the Corps of Engineers' regulations at Title 33 of the Code of Federal Regulations Part 330.

## Individual Permits

Individual permits are required for work that does not fall into the nationwide or regional permit categories. The Corps reviews the proposals, balancing the needs and expected benefits against probable adverse impacts, taking all comments received and other factors into consideration. The following diagrams illustrate the permitting process for individual permits.



*Corps regulations require that anyone interested in discharging material into waters of the United States, including wetlands, must receive authorization for such activities, and may be required to mitigate for any unavoidable adverse impacts.*



-A public notice describing the proposed project and requesting public comment is issued to the general public, to local, state and Federal agencies and other government officials having an interest in the project, and to adjacent property owners. Persons who wish to comment on the project are given 15 to 30 days (more in some cases) from the date of the public notice issuance to provide any comment on the proposed project.

-The applicant is given an opportunity to respond to all comments received. This response may be in the form of clarifications, rebuttals, and/or resolutions.



-After the comment period ends, the District Engineer determines whether a public hearing will be required.



-A decision to issue or deny the permit includes consideration of all comments received and assessment of the probable impacts of the project on the public interest. This assessment includes, but is not limited to, economic impacts, conservation values, recreation benefits, aesthetics, historic values, environmental concerns, fish and wildlife impacts, and water supply and quality.

## EXEMPTIONS

Certain activities are legally exempt from permitting. These include normal farming and ranching, emergency reconstruction of recently damaged dikes, dams and levees and construction or maintenance of farm or stock ponds or irrigation ditches.

## ENFORCEMENT

The U.S. Environmental Protection Agency and Corps share regulatory enforcement activities. When an unauthorized activity is discovered, a cease and desist order is issued prohibiting further activity on site. The agencies then work to ensure compliance through voluntary restoration and other remedial measures. Penalties and fines are used to deter future violations.

## JURISDICTION

The Corps of Engineers geographic jurisdiction extends to all waters of the United States, including waters used for commerce, all tidal waters, all interstate waters and wetlands, as well as intrastate waters including lakes, rivers and streams and wetlands which could affect interstate or foreign commerce. Permit applications are reviewed under Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act.

## BACKGROUND

The U.S. Army Corps of Engineers has been regulating activities in the nation's waters since 1890, originally for navigation protection, now based on the Rivers and Harbors Act of 1899. Since the late 1960s, the regulatory program's aim has been expanded to consider the full public interest in protecting and using water resources. This means considering the full range of environmental and other impacts in addition to commercial benefits.

In 1972, Section 404 of the Clean Water Act was passed. It prohibits the placement of dredged or fill material into waters of the United States without a permit from the Corps of Engineers. Court rulings and litigation since the passage of the Clean Water Act define "waters of the United States" to include many wetlands—marshes, swamps, bogs and similar areas known to be significant natural resources. Wetlands serve a number of functions, including: food chain production; nesting and spawning sites for aquatic and land species; storage areas for flood waters; natural water filtration and purification; and protection of other areas from erosion.

In deciding whether to grant a permit, the Corps of Engineers must weigh the need to protect such resources against the benefits of the proposed development. The Corps' policy is to encourage applicants to avoid damage to wetlands and other waters of the United States when and wherever possible, minimize damage, and finally to take measures to compensate for any unavoidable damage.

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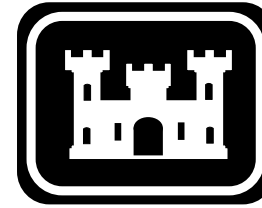
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US Army Corps of Engineers  
Chicago District



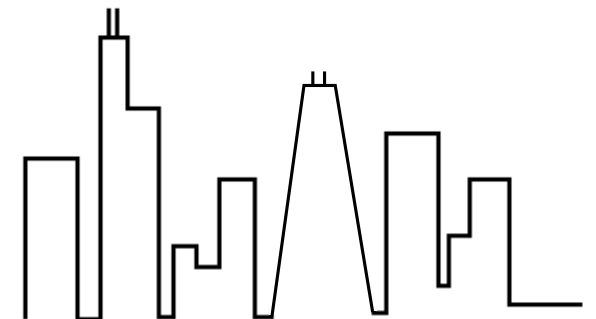
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# Regulatory Program



**US Army Corps of Engineers**  
Chicago District